

1885-025 Chancery Causes: Eli Hubbard vs. Lavina Hubbard  
Lee Co.

Sargent, Bays, Smith

CA-Divorce

T. Health/Medicine  
Vices

To the Hon. John A. Kelly Judge of the Circuit Court  
of Lee County Virginia:

Humbly complaining your Orator Eli Hubbard would respectfully show unto your Honor that on or about the 19<sup>th</sup> day of July 1881. Confiding in the purity, chastity and uprightness of one Lavina Sargent he intermarried with her, and thereby made her Lavina Hubbard and the lawful wife of your Orator.

Your Orator states that from that time down to about the month of June 1884. he and his said wife lived associated & co-habited together as man and wife and were as happy and contented as is usual with newly married people.

But about that time Your orator states that a loathsome disease <sup>the name of which is improper</sup> then came to him, and unfit to be written on paper, much its appearance on him, and has steadily been getting worse in spite of all the medical aid he could procure, until the same now permeates his entire system and he is now prostrated in a bed of affliction from which he will not soon if ever recover; Your Orator states, but for the

appearance of said disease upon him, he does not know how long he might have continued in total ignorance of his said wife's gross infidelity to him, and as soon as he learned the character of the disease with which he was afflicted, he accused and charged his said wife with being the medium through and by which the same had been communicated to him, and to this accusation and charge



your Orator's said wife neither assented <sup>to</sup> or denied the same, but by her silence virtually admitted the truth of said accusation. Your Orator therefore alleges, and he will make good the allegation, by proof of which he is fully convinced that his said wife has been guilty of gross infidelity and adultery, by having carnal sexual intercourse with others <sup>since she has been his wife</sup> than your Orator. <sup>^</sup> And has thereby forfeited all right longer to be called the wife of your Orator.

Your Orator states that since he became aware of his said wife's infidelity, he has not lived with or cohabited with her as his wife and he only became aware of that fact in the month of June or July in the year 1884 so that <sup>five</sup> years have not elapsed.

Your Orator states that his said wife's infidelity and adulterous acts, were not committed by her, by the procurement or connivance of your Orator, but were committed by her voluntarily and against the earnest wish of your Orator.

Your Orator is advised that under the facts of his case he is entitled at the hands of a court of equity, where matters of this sort are alone cognizable to a decree of divorce a vinculo matrimonii and to obtain that relief is the object of this bill.

Your Orator therefore prays that said Lavinia Hubbard be made defendant to this bill and required to answer the statements thereof on oath, and upon a hearing of the cause a decree be rendered totally dissolving the bond of matrimony now existing between your Orator and the said Lavinia Hubbard.

May the Commonwealth writ of habeas corpus be directed &c.

Henry J. Morgan for Plaintiff



Q \$6.00  
 S 1.10  
 Comm. H. 1.50  
 wit 1.50  
 A 18.80  
22.90

Eli Hubbard <sup>24. M</sup>

as } Bill for Diverse

Lavinia Hubbard

1884. Sept. Bill filed.

" Octo. Spec. Exd & D. Nisio

" Nov. D. Nisio, & cause  
set for hearing.

" Nov. Continued

1885. Mr. Leore final.



Eli Hubbard	Pff	} In Lohy
vs.		
Savina Hubbard	Deft	

This cause came on this day to be heard on the bill of the Pff and deposition of witnesses, and was argued by counsel. And it appearing to the court from the proof in the cause, that the Pff is entitled to a divorce à vinculo Matrimonii. It is therefore adjudged ordered and decreed that the bond of matrimony now existing between the Pff and deft, be and the same is hereby dissolved; and the Pff is allowed again to marry, but that privilege is denied the deft, she being the party at fault. and The parties are hence dismissed and the cause is stricken from the docket.



Eli Hubbard

or 3 Boon Jinal

Lavinia Hubbard

Mar 4. 1883. Entered

Op. P. 438.

J. R. Gibson D.C.

Entered this

J. A. K.

Mar 28/85



Mrs Lavinia Hubbard

You will please take notice that at  
the clerks office of the circuit court of Lee County, on the  
second day of Oct 1884. I will proceed to take the deposition  
of Flannery Bays. Wm M<sup>r</sup>. Donald and Jonathan Smith  
which are intended to be read as evidence on my  
behalf in a certain chancery suit now pending in the  
circuit court of Lee County W. in which I am Plaintiff  
and you are defendant.

Eli Hubbard

By Henry J. Morgan atty.

Sept 20th 1884.



Eli Hubbard

no. { Notice Oct 2 1884  
}

Lavinia Hubbard

Exempted by delivering to  
the clerk a copy of the  
written notice Sep 20 1884

J. H. Evinger  
for R. D. Flanery  
J. L. C.



Eli Hubbard Plff }  
vs } In Chancery  
Lavina Hubbards Deft }

The deposition of Flannery Bays,  
Wm McDonald and Jonathan Smith,  
taken pursuant to notice hereto attached,  
at the Clerk's office of the Circuit  
Court of Lee County on the 2<sup>nd</sup> day  
of October 1884, which are intended  
to be read as evidence on behalf  
of the Plaintiff in the above  
styled Cause -

Flannery Bays a witness of lawful  
age being duly sworn deposes and  
says -

I am acquainted with the  
defendant (Lavina Hubbards) in  
the above styled Cause. The Plff  
and her separated in the latter  
part of last July, and have  
not lived together since that  
time. I live in the neighborhood  
of these parties, I know the fact  
that the defendant was guilty  
of the crime of adultery before  
she and her husband separated,  
and while I can not state the  
precise time, I think it was  
some 8, 10 or 12 months prior.



to their parting, that to my knowledge,  
she was guilty of said Crime  
And further this witness saith not.  
F. M. May

Jonathan L. Smith an other witness  
of Lawful age being first duly sworn  
deposes and says.

I am acquainted with the Deft,  
Lavina Hubbard, in this cause, and  
I know the fact that she has been  
guilty of the Crime of adultery, since  
she has been the wife of the Plaintiff  
Eli Hubbard, and this fact of adu-  
tery was committed by her some  
12 or 14 months ago. I do not  
know when the Plaintiff became  
aware of his wifes infidelity to him,  
but since their seperation he has  
not lived with her as his wife, and  
I do not believe he has seen her  
since that time.

And further this witness saith not.

J. L. Smith

The forgoing depo. was taken, subscribed and  
sworn to before me at the place, and time  
stated in the Caption, Octo. 2<sup>nd</sup> 1884

J. H. Hyatt Comm.



Eli Hubbard

3 Depo.  
2033

Lavinia Hubbard

Taken before me as Court.

& filed Octo. 2<sup>d</sup> 1884.

J. A. Hyatt C.C.

Cost of Depo

Court. 1.50

& Sheriff. 60

3 Witnesses Claims 1.50

\$3.60



Virginia Lee County Court

You are commanded to Summon Henry Bay,  
Wm. McDonald, and Jonathan Smith to appear at the  
clerk's office of the Circuit Court of Lee County on the  
2nd day of Oct 1884 To give evidence before me on the  
part of Eli Hubbard against Luina Hubbard.

To the Sheriff of Lee Co. Va. }

J. A. H. H. att. Court

Sept 19 - 1884.



Eli Hubbard.

vs. } Spa for Waterpoco

Sairma Hubbard

Executed in F. Lacey Bays  
and Jonathan Smith  
and on Wm. M. Bessell by  
leaving a Sum for him  
with said Smith Sep 20/84.

J. H. Loring &  
for R. D. Flanery  
J. L. C.



# The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

*Lavina Hubbard*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in  
*October* next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against  
*her*, by *Eli Hubbard*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,  
this *18<sup>th</sup>* day of *September*, 1884, in the 10<sup>9</sup> year of the Commonwealth.

*John A. G. Hyatt*, Clerk.

A Copy---Teste :



(H. J. M.)

Eli Hubbard  
vs <sup>3</sup> Spa Chey  
Lavina Hubbard

Lo October Rules 1884

Executed by delivering to  
the clerk a copy of the  
within writ Sep 20 1884.

S. H. Emery &  
for R. D. Flanery  
S. L. C.